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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 VIVIAN WRIGHT-BOLTON;

CASE NO.: 2:14-cv-01612-APG-PAL

12 Plaintiff,

13 v.

14 MELANIE ANDRESS-TOBIASSON,  
individually; THE ESTATE OF JENNIFER  
15 BOLTON deceased; KOCKA & BOLTON,  
LLC, a Nevada Limited Liability Company;

16 Defendants.  
17 \_\_\_\_\_/

18 **JOINT MOTION TO STAY PROCEEDINGS PENDING APPEAL**

19 COMES NOW the Plaintiff, VIVIAN WRIGHT-BOLTON, by and through her counsel,  
20 CAL J. POTTER, III, ESQ. and C. J. POTTER, IV, ESQ. of POTTER LAW OFFICES and  
21 Defendant, KOCKA & BOLTON, LLC by and through its counsel, CHRIS T. RASMUSSEN,  
22 ESQ. of RASMUSSEN & KANG and hereby jointly request that this matter be stayed.

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1 This Motion is made jointly by the parties remaining below and is based upon the  
 2 pleadings and papers on file herein, the points and authorities submitted in support of the  
 3 instant motion and the oral argument of counsel at the time of hearing, if any.

4 DATED this 1<sup>st</sup> day of March, 2016.

DATED this 2<sup>nd</sup> day of March, 2016.

5 POTTER LAW OFFICES

RASMUSSEN & KANG

6 By /s/ Cal J. Potter, III, Esq.

By /s/ Chris T. Rasmussen, Esq.

7 CAL J. POTTER, III, ESQ.

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11 1125 Shadow Lane

*Attorney for Defendant Kocka & Bolton, LLC*

12 Las Vegas, NV 89102

13 *Attorneys for Plaintiff*

## 14 MEMORANDUM OF POINTS AND AUTHORITIES

### 15 I.

### 16 FACTS

#### 17 A. INTRODUCTION

18 This is a civil rights action filed by Plaintiff, Vivian Wright-Bolton, against Defendants.  
 19 This case arises out of an incident in which all Defendants conspired to violate Plaintiff's Due  
 20 Process rights and obtain an ex parte Las Vegas Justice Court Order concerning Jennifer  
 21 Bolton's Canadian Petition for Divorce, in violation of Plaintiff's Due Process Rights.

22 Defendant Tobiasson, signed an order rescinding her previous, Las Vegas Justice Court  
 23 Ex Parte Order concerning Jennifer Bolton's Canadian Petition for Divorce, in violation of  
 24 Plaintiff's Due Process Rights on February 12, 2014.

25 At the time that Jennifer Bolton sought out Defendant Andress-Tobiasson's execution  
 26 of the Canadian Petition for Divorce, she was a managing partner of Kocka & Bolton, LLP.

#### 27 B. PROCEDURAL HISTORY

28 This case was filed on September 30, 2014 and commenced through discovery.  
 Summary judgment was granted in favor of the Defendant, Melanie Andress-Tobiasson on  
 September 23, 2015 [ECF 34, 25, & 36]. Defendant Andress-Tobiasson sought relief to make  
 the judgment final [ECF 42], which was unopposed by the Plaintiff [ECF 44] and granted on

1 February 2, 2016 [ECF 45]. The Plaintiff filed a Notice of Appeal on February 29, 2016 [ECF  
2 46]. Accordingly, the claims against Defendant Tobiasson are now pending before the Ninth  
3 Circuit Court of Appeals.

4 However, the claims against Defendant Kocka & Bolton, LLC remain before this Court.  
5 The claims against Defendant Andress-Tobiasson and Defendant Kocka & Bolton, LLC are  
6 inextricably intertwined and the outcome of the appeal will have an effect on entire case.

7 As such, the Plaintiff and Defendant Kocka & Bolton, LLC request a stay in this matter  
8 pending the decision from the Ninth Circuit Court of Appeals. Discovery in this matter is  
9 closed, but the parties request that all briefing, hearings, and pre-trial dates be stayed until the  
10 case has been decided by the Ninth Circuit Court of Appeals, including the Joint Pre-Trial  
11 Order which was due on January 18, 2016 [ECF 28].

## 12 II.

### 13 ARGUMENT

14 While the Federal Rules of Civil Procedure do not specifically address stays for cases  
15 where some claims are on appeal after FRCP 54(b) certification, FRCP 62 does address  
16 appellate stays in other instances. Moreover, FRAP 8(a) concerns stays pending appeal and  
17 states that a party seeking a District Court stay, “must ordinarily move first in the district court  
18 for . . . a stay . . .”

19 The parties aver that good cause exists to stay this matter pending the resolution of the  
20 claims against Defendant Andress-Tobiasson, which are now pending before the Ninth Circuit  
21 Court of Appeals. Stay in this matter will only benefit this Court and the parties as the claims  
22 on appeal regarding Defendant Andress-Tobiasson are directly related to those against  
23 Defendant Kocka & Bolton, LLC.

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1 **III.**

2 **CONCLUSION**

3 Stay in this matter will not cause prejudice to any party, in fact, staying this matter  
4 pending appeal will only allow the parties to better resolve the claims after a decision from the  
5 Ninth Circuit through alternative dispute resolution or a single trial. The decision from the  
6 Ninth Circuit will also determine the viability of Plaintiff's claims.

7 Should the Court grant this Joint Motion, the parties suggest that intermittent status  
8 reports be filed with the Court regarding the status of the appeal.

9 For the reasons set forth above, Plaintiff and Defendant Kocka & Bolton, LLC  
10 respectfully request that this matter, including any and all briefing, hearings, and pre-trial dates  
11 be stayed pending appeal.

12 DATED this 1<sup>st</sup> day of March, 2016.

DATED this 2<sup>nd</sup> day of March, 2016.

13 POTTER LAW OFFICES

RASMUSSEN & KANG

14 By /s/ Cal J. Potter, III, Esq.

By /s/ Chris T. Rasmussen, Esq.

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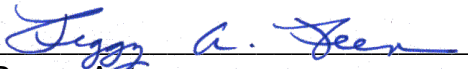
1125 Shadow Lane

*Attorney for Defendant Kocka & Bolton, LLC*

Las Vegas, NV 89102

*Attorneys for Plaintiff*

21 IT IS SO ORDERED this 10th day  
22 of March, 2016.

23 

24 Peggy A. Leen

25 United States Magistrate Judge